IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital the 17th day of May 2005

Criminal Misc. Bail Application No. 401/2005

Order on the bail application of accused

CRIMINAL SIDE

Rajiv Sukhija S/o Shri Shyam Lal
Sukhija R/o Ward No. 7, Gadarpur
P.S. Gadarpur
District Udham Singh Nagar .....Applicant

Versus

State of Uttaranchal .....Opposite Party

Arising out of case crime No. 508/2005
U/s 307 I.P.C.
P.S. Gadarpur
District Udham Singh Nagar

Hon'ble J.C.S. Rawat, J.

Heard Sri Dharam Veer learned senior counsel for the applicant assisted by Sri Mohd. Azim learned Advocate, Sri Lalit Sharma learned counsel for the complainant and learned A.G.A. for the State.

Perused the record. As per the prosecution version, on 27.3.2005 the report was lodged by one-Prithpal alleging therein that the applicant has fired shot in which Surender Pal Singh sustained certain injuries. Thereafter, a cross-report of the same incident was lodged by Sanjeev Kumar on 29.3.2005. There is a cross –report and both the parties have sustained the injuries at the time of the incident. It has to be decided who is the aggressor in these cases. Keeping in view of this, it is a fit case for bail.

Let the applicant-accused be released on bail on his executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

(**J.C.S. Rawat, J.**)

Dated: 17.5.2005
LSR